

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

MARY HELEN PEREA,

Plaintiff,

v.

No. 1:12-CV-812 SMV-CG

ALBERTSONS, LLC, a foreign  
for-profit limited liability company  
doing business in New Mexico,

Defendant.

**ORDER GRANTING DEFENDANT'S MOTION TO COMPEL**

**THIS MATTER** comes before the Court on Defendant's *Motion to Compel*, filed February 21, 2013, (Doc. 39); *Plaintiff's Response to Defendant's Motion to Compel* ("Response"), filed March 6, 2013, (Doc. 44); and *Defendant's Reply to Plaintiff's Response to Defendant's Motion to Compel* ("Reply"), filed on March 20, 2013, (Doc. 49). The Court, after reviewing the parties' filings and the relevant authorities, finds that Defendant's Motion to Compel is well-taken and should be granted.

In its Motion to Compel, Defendants asks the Court to order Plaintiff to produce all information regarding Medicare's interest in any settlement amount in this case, including any amounts paid by Medicare and/or owed to Medicare before the settlement conference scheduled for March 27, 2013. (Doc. 39 at 5). Defendant's Reply indicates that Plaintiff produced some of the information requested on March 12, 2013. (Doc. 49 at 2-3). Plaintiff's Counsel has also requested an updated conditional payment letter from the Medicare Secondary Payer Recovery Contractor ("MSPRC"), as requested by Defendant. (Doc. 49 at 3). At this point, Defendant requests that the Court order Plaintiff to produce "all requested information regarding Medicare's interest in any

settlement amount in this case, including the amounts paid by Medicare and amounts owed to Medicare as a condition precedent to any settlement check being issued in this case.” (Doc. 49 at 3).

The Court notes that Plaintiff appears to be making a good faith effort to produce the information requested by Defendant. To ensure that Defendant is able to fulfill its obligation to protect Medicare’s interest in this matter, the Court orders Plaintiff to produce all information regarding Medicare’s interest in any settlement in this case as a condition precedent to a settlement check being issued.

**THEREFORE IT IS SO ORDERED** that Defendant’s Motion to Compel is **GRANTED**.

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THE HONORABLE CARMEN E. GARZA  
UNITED STATES MAGISTRATE JUDGE

A handwritten signature in black ink, appearing to read 'Carmen E. Garza', with a long horizontal line extending to the right.